



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q62904

Yuichi ASAMI, et al.

Appln. No.: 09/778,055

Group Art Unit: 3714

Confirmation No.: 7352

Examiner: Mark Alan Sagar

Filed: February 7, 2001

For: GAME MACHINE, GAME MUSIC OUTPUT METHOD, INFORMATION STORAGE MEDIUM, GAME PROGRAM DISTRIBUTION DEVICE, AND GAME PROGRAM DISTRIBUTION METHOD

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications if this application was filed after June 30, 2003; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

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In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents, together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

In the Advisory Action mailed on October 21, 2004, the Examiner advised that the IDS received November 17, 2003 does not comply with 37 CFR 1.98, at least because the reference JP 01-061999 was not provided, its data does not match data on the form 1449 and no translation was provided. In reply, Applicants respectfully submit that JP 1-061999 was erroneously identified on form 1449 when submitted. A copy of JP 4-168492 (correctly listed) and JP 11-003077 (the correct reference but not listed) together with their abstracts, was provided with the IDS and should be in the Examiner's file. The intended submission of JP 11-003077 was corrected in the IDS submitted on December 22, 2003. The Examiner states that a translation of the Korean Office Action was not submitted. Applicant agrees that its statement in the IDS filed on November 17, 2003 is not correct and withdraws that statement. Further, Applicant submits that the Applicant's duty is satisfied by submission of a copy of the prior art and the accompanying abstract for each reference.

With respect to the IDS submitted on December 22, 2003, the Examiner states that the submission was made after a close of prosecution and the statement required by 37 CFR 1.97 was not submitted. Applicant respectfully submits that prosecution was not closed at that time, and the submission was simply to correct an error in the listing on the IDS submitted on November 17, 2003.

With respect to the IDS submitted on June 30, 2004, the Examiner states that the IDS is incorrect because it is incongruent with remarks stating that all documents were cited in an office action by a foreign office. First, Applicant notes that JP 9-230880 is the equivalent of USP 5,919,047 and that document can be used as a translation. Second, the seven foreign patent documents are citations in an Japanese Office Action. The partial translation of the office action

INFORMATION DISCLOSURE STATEMENT

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provides sufficient information to satisfy Applicant's duty. The partial translation identifies references 1-7, which correspond as follows:

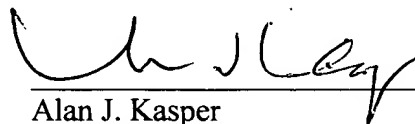
- 1: JP 11-338468
- 2.: JP 11-219191
- 3.: JP-9-230880
- 4.: JP 8-115084
- 5.: JP 2000-35785
- 6.: JP 10-222376
- 7.: JP 5-217346

Copies and Abstracts of the references are also provided. **Applicant respectfully submits that this is a resubmission of the previously submitted IDS information noted above.**

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: November 15, 2004

(use as many sheets as necessary)

Sheet	1	of	1
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*Complete if Known*

Application Number	09/778,055
Confirmation Number	7352
Filing Date	February 7, 2001
First Named Inventor	Yuichi ASAMI
Art Unit	3714
Examiner Name	Aaron J. Capron
Attorney Docket Number	Q62904

[illegible]

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		JP	04-168492		6/16/1992		Partial
		JP	11-003077 ✓		1/6/1999		Partial
		JP	11-338468 ✓	A	12/10/1999	YAMAHA CORP	Abstract
		JP	11-2119191	A	08/10/1999	TAITO CORP	Abstract
		JP	9-230880 ✓	A	09/05/1997	YAMAHA CORP	
		JP	8-115084 ✓	A	05/07/1996	ROLAND CORP	Abstract
		JP	2000-35785 ✓	A	0202/2000	YAMAHA CORP..	Abstract
		JP	10-222376 ✓	A	08/21/1998	TAITO CORP.	Abstract
		JP	5-217346 ✓	A	08/27/1993	KYUSHU HITACHI MAXELL LTD	Abstract

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		Korean Office Action dated September 3, 2003.	
		The PTO did not receive the following listed items(s) TP-04-168492	

The PTO did not receive the following listed items(s) JP-04-168492

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to indicate here if English language Translation is attached.